

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q88086

Eiji TSURU, et al.

Appln. No.: 10/535,415

Group Art Unit: 3617

Confirmation No.: 5974

Examiner: Bellinger, Jason R.

Filed: May 19, 2005

For: RUBBER TRACK

RESPONSE TO ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Election of Species Requirement, dated May 23, 2007. The Examiner has identified the application as containing claims directed to more than one distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes claim 1 is generic. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, Applicant elects Species "a," **with traverse** for examination on which at least claims 1-6 are readable.

The species noted in the May 23, 2007 Office Action are divided according to the exemplary *components* of the present application, but *not* the embodiments or the contents of the

present invention. It will be appreciated that the effects of the embodiments in the present application cannot be realized *by use of only one of the components thereof*, i.e., only one of the above species a-d.

Therefore, Applicant respectfully submits that it is not feasible to elect one of the species set forth in the May 23, 2007 Office Action. It is submitted that the present application should rather be divided, for example, into the following species in Table 1, if the Examiner's desire to restrict remains.

Table 1

<u>Species</u>	Readable Claims
I	claims 1-19 (Figs. 1-26)
II	claims 27-31 (Figs. 27-29)
III	claims 20-26 (Figs. 30-35)

Applicant respectfully urges the Examiner to adapt Applicant's categorization of the species. Thus, if the Examiner agrees with Applicant, Applicant alternatively elects Species I (claims 1-19) from the above Table 1.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to any non-elected claims.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

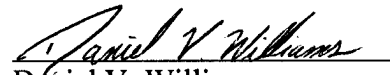
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Daniel V. Williams
Registration No. 45,221

Date: July 20, 2007